

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON	:	Civil Action No. 3:16-md-2738-FLW-
TALCUM POWDER PRODUCTS	:	LHG
MARKETING, SALES PRACTICES	:	
AND PRODUCTS LIABILITY	:	MDL No. 2738
LITIGATION	:	
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## STATUS REPORT

## SUMMARY OF RECENT ACTIVITIES.

- Judge Schneider is overseeing the review of the Plaintiffs’ Steering Committee’s (“PSC”) challenge of certain documents withheld by Defendants as privileged. On April 26, 2021, Judge Schneider entered Replacement Special Master Order No. 2 governing the briefing and *in camera* review of challenged privilege documents. Pursuant to this Order, the PSC has identified challenged documents. The PSC also identified certain representative documents for purposes of *in camera* review on May 7, 2021. The PSC was notified by Defendants on May 6, 2021 that in the course of evaluating plaintiffs’ challenge list, defendants discovered that their April 6, 2021 privilege log inadvertently omitted 458 documents that were on previous versions of the privilege log and that the same number of documents for which they had withdrawn their claim of privilege were inadvertently left on the log. Defendants’ oversight and inadvertence has necessitated the need by Plaintiffs to supplement their submission with additional representative documents for *in camera* review. The Plaintiffs’ privilege challenges will be under submission by June 11, 2021, and a hearing is scheduled with the Special Master on June 18, 2021.
- The PSC has taken the depositions of four current or former Johnson & Johnson employees. Additional depositions will be taken over the coming months.

- An Order has been entered setting deadlines for completion of case-specific discovery and briefing for dispositive motion for bellwether trials.
- An order requiring Plaintiff's Profile Forms was entered on April 20, 2021 for purposes of establishing a process for the production of Plaintiff Profile Forms in all cases pending in the MDL litigation.
- Plaintiffs have worked with Judge Goodman to survey the manner in which *pro se* Claimants are best assisted by Lead Counsel. The PSC has proposed to Judge Goodman the appointment of *pro se* liaison who would act as a liaison for communications to and from the *pro se* plaintiffs.

## REPORT ON FEDERAL DOCKET.

As of May 5, 2021: There are currently 26,695 cases pending in the MDL in which the Johnson & Johnson defendants have been served or in which plaintiffs from multi-plaintiff cases pending in the MDL have filed Short Form Complaints on individual dockets and have not served the Johnson & Johnson defendants (and have opened case numbers), totaling 27,061 plaintiffs.

## STATE COURT LITIGATION.

As of May 5, 2021:

**California:** There are approximately 621 ovarian cancer cases involving 678 plaintiffs pending in the California coordinated proceeding, *Johnson & Johnson Talcum Powder Cases*.

**Delaware:** There are currently 9 consolidated cases pending in the Superior Court of Delaware in which the Johnson & Johnson defendants have been served.

**Missouri:** There are currently 26 cases, with a total of 796 plaintiffs pending in the 22nd Judicial Circuit Court, St. Louis (City) in which the Johnson & Johnson defendants have been served. There are currently two cases with a total of 38 plaintiffs pending in the 23rd Judicial Circuit Court, Jefferson County in which the Johnson & Johnson defendants have been served. On November 3, 2020, the Missouri Supreme Court declined to review the decision of a lower appellate court in *Ingham v. Johnson & Johnson, et al.*, affirming the decision of a trial court in favor of plaintiffs, subject to a remittitur of the verdict. The defendants filed a

Petition for Writ of Certiorari to the United States Supreme Court. A three-plaintiff trial is currently scheduled to begin in *Forrest, et al. v. Johnson & Johnson, et al.* on September 10, 2021. A trial is currently scheduled to begin in the *Swann, et al. v. Johnson & Johnson, et al.*, on October 28, 2021.

**New Jersey:** There are currently 1,271 cases pending in the Atlantic County Superior Court Multicounty Litigation, *In re: Talc-Based Powder Products Litigation*, Case No. 300.

**Florida:** There are 49 cases pending in Florida state court. A trial is currently scheduled to begin in *Sugarman v. Johnson & Johnson, et al.*, in Miami-Dade County, Florida, on August 2, 2021. A trial is currently scheduled to begin in *Matthey, et al., v. Johnson & Johnson, et al.*, in Sarasota County, Florida, on October 18, 2021.

**Georgia:** There are 37 cases pending in Georgia state court. A trial is currently scheduled to begin in *Monroe v. Johnson & Johnson, et al.*, in Richmond County, Georgia, on September 13, 2021.

**Illinois:** There are 59 cases pending in Illinois state court. A trial is currently scheduled to begin in *Cadagin v. Johnson & Johnson, et al.* in St. Clare, County, Illinois, on July 12, 2021.

**Pennsylvania:** There are 27 cases pending in Pennsylvania state court. A trial is currently scheduled to begin in *Kleiner, et al. v. Johnson & Johnson, et al.*, in the Court of Common Pleas, Philadelphia County, Pennsylvania, on August 2, 2021.

**Louisiana:** There are 37 cases pending in Louisiana State Court.

**Arizona:** There is one case pending in Pima County, Arizona.

**Rhode Island:** There is one case pending in Providence County, Rhode Island.

**Texas:** There is one case pending in Dallas County, Texas.

**Virginia:** There is one case pending in Chesapeake County, Virginia.

**STATUS OF PENDING MOTIONS.**

A. The list of motions pending in individual cases is attached hereto as Exhibit

The PSC's Motion for Leave to Amend the Master Complaint is fully briefed.

PCPC's Motion for Summary Judgment is fully briefed.

Respectfully submitted,

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**EXHIBIT A****STATUS OF PENDING MOTIONS IN INDIVIDUAL CASES**

<b>Case Name</b>	<b>Case No.</b>	<b>Status of Pending Motions</b>
<i>Abram, Edwina, et al. v. Johnson &amp; Johnson, et al.</i>	3:20-cv-01276	<p>Motion to Remand filed February 11, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Renewed Motion to Dismiss. Fully Briefed.</p> <p>PTI Union, LLC's Renewed Motion to Dismiss Plaintiffs' Petition for Failure to State a Claim. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on March 23, 2020.</p>
<i>Akins, Diane, et al. v. Johnson &amp; Johnson, et al.</i>	3:19-cv-16059	<p>Motion to Remand filed on August 29, 2019. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss for Lack of Jurisdiction filed August 29, 2019. Fully Briefed.</p> <p>PTI Union, LLC's Motion to Dismiss Plaintiffs' First Amended Petition for Failure to State a Claim filed on August 29, 2019. Fully Briefed. Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on September 23, 2019.</p>

Case Name	Case No.	Status of Pending Motions
<i>Stalnaker, Velma ,et al. v. Johnson &amp; Johnson, et al.</i>	3:20-cv-06780	<p>Plaintiff's Motion to Remand filed July 2, 2020. Fully briefed.</p> <p>PTI Royston, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed.</p> <p>PRI Union, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on July 20, 2020.</p>
<i>Cox, Martha</i>	3:20-cv-06779	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Denney, Connie</i>	3:20-cv-06781	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Fust, Carol</i>	3:20-cv-12394	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim filed October 8, 2020. Fully briefed.</p>
<i>Gregory, Sonna</i>	3:20-cv-10112	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>

Case Name	Case No.	Status of Pending Motions
<i>Sumner, Cheryl</i>	3:20-cv-06825	<p data-bbox="805 247 1544 321">Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p data-bbox="805 373 1544 447">PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Weaver, Tammy</i>	3:20-cv-03744	<p data-bbox="805 457 1544 531">Motion to Remand filed June 1, 2020. Fully Briefed.</p> <p data-bbox="805 583 1544 657">PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>